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Of Attorneys for Plaintiff
Copious Creative, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

COPIOUS CREATIVE, INC., an Oregon
corporation,

Plaintiff,

vs.

PATRICK EZELL, an individual,

Defendant.

Case No.: 3:16-cv-00427-BR

~~((Proposed))~~ TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ENTER

Plaintiff Copious Creative, Inc.'s Motion for Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Enter came before the Court on

Based upon the record, including Plaintiff's (1) Motion For Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Enter and Memorandum In

AJV

Support; (2) the Declaration of Timothy Haskins in Support; ~~and~~ (3) the pleading and papers on file herein, including ^{the} ~~any~~ response by Defendant, the Court finds:

1. If Defendant is not immediately ^{and temporarily} restrained as set forth below, Plaintiff is likely to suffer immediate and irreparable injury, loss, or damage related to the trade secrets and other confidential information it alleges Defendant misappropriated or otherwise obtained through unauthorized access;

2. Plaintiff has no adequate remedy at law to address the alleged immediate and irreparable injury, loss, or damage it is likely to suffer related to the trade secrets and other confidential information it alleges Defendant misappropriated or otherwise obtained through unauthorized access;

3. Plaintiff has shown a likelihood of success on the merits of its claims, including the claims forming the basis of its requests for injunctive relief (except as to the solicitation of employees, i.e., not shown the Employer Handbook applies to Def.).

4. Plaintiff has also raised serious questions that go to the merits of this case involving the Defendant's alleged misappropriation and unauthorized access of Plaintiff's trade secrets and other confidential information;

5. The balance of equities favor the issuance of a temporary restraining order enjoining Defendant as set forth herein below;

6. The issuance of a temporary restraining order enjoining Defendant as set forth herein below is in the public interest; *in that there is a need to resolve conclusively and ~~expeditiously~~ without delay whether Defendant is*

7. Plaintiff provided sufficient notice to Defendant of the Motion; and

8. Based on the injunctive relief sought and awarded herein below, Plaintiff are not required to post a qualified bond or to provide other security.

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*accessing
it's proprietary
information
notwithstanding
Def's Declaration
to the contrary;*

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

Defendant Patrick Ezell is enjoined *until further Order of the Court*

A. From further access of Plaintiff's trade secrets, confidential information, electronic communications, data, files, records, other information and accounts and the computers on which such items are stored;

B. From use of Plaintiff's trade secrets, confidential information, electronic communications, data, files, records, other information and accounts he obtained from the computers on which such items are stored;

C. To return all of Plaintiff's company property, including, but not limited to, Defendant's company-owned smartphone, all company electronic and computer devices, copies of all company electronic communications, data, files, records, documents and information (in any and all forms or formats, physical, electronic, digital, etc.) that are in Defendant's possession, custody or control, or that he transferred to anything or anyone in anticipation of his departure from the company or subsequent to his departure from the company;

D. Pending discovery and final judgment in this action, from deleting or altering in anyway the data, metadata, information, files, records and documents contained on his company-owned smartphone, any other company electronic device or computer, or any device in Defendant's possession, custody, or control containing data, files, records, information accessed or downloaded from company computers or cloud computer-based accounts;

E. To provide all access codes, logins, and passwords necessary for: (i) Plaintiff to access Defendant's company-owned smartphone and other company devices, as well as all company accounts, including email, cloud-based platforms and applications, web-based applications, software, and online financial and other vendor accounts; (ii) the conduct of this action, including discovery and trial; and

F. *[Signature]*
From directly or indirectly soliciting, inducing, recruiting, or encouraging any of Plaintiff's employees to leave their employment with the company, or otherwise take away

employees from the company, whether for the benefit of Mr. Ezell or for any other person or entity.

Furthermore, Defendant must appear before this Court on _____ at _____ in Room _____, United States District Court, 1000 SW Third Avenue, Portland, Oregon 97204, and show cause, if any there be, why the activity described above should not continue to be restrained during the pendency of this action.

This order will expire at the date and time stated in the preceding paragraph, unless extended by further order of this court.

This order will be effective immediately and without the necessity of Plaintiff first posting of a qualified bond or other security.

The parties must file a joint status report proposing a schedule for next steps and further proceedings no later than Monday 4/25/16 as stated on the record.

DATED this 14th day of March, 2016.

By: _____

Anna J. Brown
Honorable Anna J. Brown

UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted by:

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